

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,

Plaintiff,

v.

SEOUL SEMICONDUCTOR LTD., et al.,

Defendants

No. C-06-0162 MMC

**ORDER GRANTING PLAINTIFF'S
MOTION TO STRIKE PORTIONS OF
SEOUL SEMICONDUCTOR, INC'S
AMENDED ANSWER AND
COUNTERCLAIMS; ORDER GRANTING
PLAINTIFF'S MOTION TO STRIKE
PORTIONS OF SEOUL
SEMICONDUCTOR CO., LTD'S
ANSWER AND COUNTERCLAIMS;
GRANTING DEFENDANTS' REQUESTS
FOR LEAVE TO AMEND; VACATING
HEARING**

Before the Court are two motions filed June 15, 2006 by plaintiff Nichia Corporation ("Nichia"): (1) Nichia's motion to strike, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, portions of the Amended Answer of Defendant Seoul Semiconductor, Inc. to Plaintiff Nichia Corporation's Complaint and Amended Counterclaims; and (2) Nichia's motion to strike, pursuant to Rule 12(f), portions of the Answer of Defendant Seoul Semiconductor Co., Ltd. to Plaintiff Nichia Corporation's Complaint and Counterclaims. Seoul Semiconductor, Inc., ("Seoul USA") and Seoul Semiconductor Co., Ltd. ("Seoul Korea") have filed a joint response, requesting leave to amend and submitting proposed

1 amended pleadings.¹ Nichia has filed a single reply, stating therein it does not oppose the
2 requests to amend.

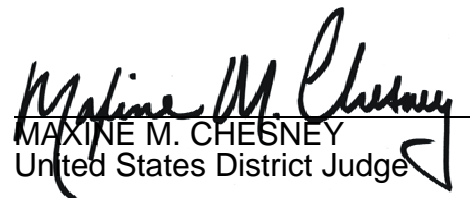
3 Having reviewed the papers filed in support of and in response to the motions, the
4 Court deems the matter suitable for decision on the papers, VACATES the hearing
5 scheduled for July 21, 2006, and rules as follows:

6 1. Nichia's motion to strike portions of Seoul USA's amended answer and amended
7 counterclaims is hereby GRANTED, without prejudice to Seoul USA's filing, no later than
8 July 24, 2006, its proposed Second Amended Answer of Defendant Seoul Semiconductor,
9 Inc. to Plaintiff Nichia Corporation's Complaint and Amended Counterclaims.

10 2. Nichia's motion to strike portions of Seoul Korea's answer and counterclaims is
11 hereby GRANTED, without prejudice to Seoul Korea's filing, no later than July 24, 2006, its
12 proposed Amended Answer of Defendant Seoul Semiconductor Co., Ltd. to Plaintiff Nichia
13 Corporation's Complaint and Counterclaims.

14 **IT IS SO ORDERED.**

15
16 Dated: July 18, 2006


MAXINE M. CHESNEY
United States District Judge

26 ¹The joint response also argues that each defendant's affirmative defense and
27 counterclaim alleging non-infringement are pleaded in conformity with Rule 8, and thus
28 should not be stricken. In reply, Nichia clarifies that its motions to strike do not seek an
order striking such affirmative defenses and counterclaims. Consequently, the Court does
not further address the issue.